DEPARTMENT OF STATE

Washington, D.C. 20520

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6 AUG 1981

Dear Mr. Thomas:

I am replying to your letter of February 17, to the Secretary requesting that the Department of State recommend to the Immigration and Naturalization Service (INS) that the deportation of Salvadorans in the United States be stopped until stability returns to that country.

Under the United Nations Protocol Relating to the Status of Refugees, the United States is prohibited from undertaking the forced expulsion (refoulement) of a refugee to a country or frontier where persecution is likely to occur. In addition, the Refugee Act of 1980 obliges the granting of asylum status to those who establish a well-founded fear of persecution upon return to their country of nationality for reason of race, religion, nationality, membership of a particular social group, or political opinion. The responsibility for establishing a well-founded fear of persecution rests with each applicant. The INS does not classify Salvadorans in the United States as refugees unless they individually establish that their fear of being persecuted is a well-founded one.

Questions regarding exclusion or deportation proceedings are, of course, under the jurisdiction of the INS. The Immigration Service has informed us that no Salvadoran asylum seeker is sent back until a determination has been made that the claimant has not established a well-founded fear of persecution. It is not necessary for Salvadorans to "formally" request asylum. If a positive indication of unwillingness to return to El Salvador is made, and if the unwillingness is based on a fear of being persecuted, that is sufficient to have the case processed through asylum procedures.

Mr. Ted Thomas
Chairperson,
Diocesan Commission on Justice and Peace,
197 East Gay Street,
Columbus, Ohio 43215.

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REVIEWED BY HE DATE 8 JUL 1982
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ENDORSE EXISTING MARKINGS ☐
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Due to the so-called "final offensive" last January by the Farabundo Marti National Liberation Front, the Department believed it prudent to ask the INS to suspend action for 90 days on Salvadoran asylum requests. That 90-day period ended April 15 and the Department is now reviewing Salvadoran asylum requests. For those who establish a well-founded fear of persecution upon return to El Salvador the Department, in its advisory opinion, will so inform the appropriate INS District Office.

While civil strife and violence in El Salvador continue at distressing levels, conditions there do not, at present, warrant the granting of blanket voluntary departure to Salvadorans in the United States. Fighting in some areas has been severe, but El Salvador has not suffered the same level of wide-spread fighting, destruction and breakdown of public services and order as did for example, Nicaragua, Lebanon or Uganda at the time when voluntary departure was recommended by the Department and granted by INS for nationals of those countries. Public order and public services, while under a serious attack, are still maintained, especially in San Salvador and the larger cities. Moreover, Salvadorans now present in the U.S., whose number may be as high as 500,000, who were not involved in political or military activities before their departure, would not face, upon return, any more danger than is faced by their compatriots who never left the country.

We believe that the majority of Salvadorans in the United States did not depart their country solely to seek safehaven in this country. Most traveled through third countries before entering the United States and many of them entered quite some time ago. Other countries closer to El Salvador, Honduras for example, have been generous in offering safehaven to Salvadorans who have fled. The Department, therefore, at this time, is not in a position to recommend to the INS the blanket granting of voluntary departure status for illegal Salvadorans presently in the U.S.

I regret that I cannot give you a more favorable reply.

Sincerely,

Stephen E. Palmer, Jr.
Acting Assistant Secretary
for Human Rights and
Humanitarian Affairs

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DIOCESE OF COLUMBUS

DIOCESAN COMMISSION ON JUSTICE AND PEACE

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July 6, 1981

Mr. Alexander Haig
Secretary of State
2201 C. St., N.W.
Washington, D. C. 20520

Dear Secretary Haig:

At its April 23 monthly meeting, The Commission on Justice and Peace of the Columbus diocese voted to adopt the following statement:

> "The Diocesan Commission on Justice and Peace urges that Salvadorans be allowed to remain in the U.S. temporarily until the crisis in their country ends and be permitted to work here."

Background information prepared by our Human Rights Committee is enclosed.

Thank you for your consi dering our concern in this matter.

Sincerely yours,

Ted Thomas
Chairperson

TT:kn

Enc.

197 EAST GAY STREET
COLUMBUS, OHIO 43215
(614) 228-1221

Salvadorans - in the United States

Although there are believed to be many refugees from El Salvador in the United States, few are applying for asylum. To be granted asylum status a person must document to the State Department that he/she is escaping from political and/or religious persecution. The State Department then makes a recommendation on individual applicants and refers the recommendation to the Immigration and Naturalization Service for disposition.

United States law also provides, however, for giving temporary refuge to aliens from countries unable to return home because of "civil war or catastrophic circumstances." Such status has been conferred at different times on citizens of Vietnam, Laos, Uganda, Nicaragua, Cuba and Haiti.

Many national groups, including the U.S. Bishops' United States Catholic Conference, have urged the State Department to follow the same policy in admitting the Salvadoran refugees.

Additionally, in order to remain in the U.S., the escaping Salvadorans must find jobs; this requires work permits. The Immigration and Naturalization Service is the U.S. agency empowered to give formal authorization for employment.

April 23, 1981

- Background information prepared by the Human Rights Committee of the Diocesan Commission on Justice and Peace